

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:04CR164
)
)
Plaintiff,)
)
)
vs.) **MEMORANDUM**
) **AND ORDER**
JAIME NESSBAUMER,)
)
)
Defendant.)

This matter comes on to consider the government's oral request for hearing on Rule 35(b) motion. Having considered the matter,

IT IS ORDERED that:

- (1) The government's oral request for hearing is granted;
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 309) has been set before the undersigned United States district judge at 2:45 p.m., on Friday, December 2, 2005, in the Special Proceedings Courtroom, Roman L. Hruska United States Courthouse, Omaha, Nebraska;
- (3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion;
- (4) The Marshal is directed not to return the defendant to the district; and
- (5) The defendant is held to have waived his right to be present.

November 16, 2005.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge